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EXAMINER
BHATNAGAR, ANAND P

ART UNIT	PAPER NUMBER
2623	13

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/558,749	MALONEY, RIAN R.	
	Examiner	Art Unit	
	Anand Bhatnagar	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 April 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Arguments

1. Applicant amendment filed on 04/28/03 (paper # 11) has been entered and made of record.

2. Applicant's arguments with respect to claim 1, 11, 20, 31, 41, 51, and 54 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Examiner objects to claims 1, 11, 31, and 41. Applicant's limitation of "generating process buffer data based on the MICR buffer" does not make sense as claimed. Applicant is generating process buffer data based on the data collected and stored in a buffer by a MICR reader/sorter. As claimed, information is generated from a hardware piece (MICR buffer) which does not change in any way.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 8, 11, 13, 17, 20, 21, 23, 27, 32, 34, 38, 42, 44, and 48 are rejected under 35 U.S.C. 102(e) as being anticipated by Lau et al. (U.S. patent 6,370,266).

Regarding claims 1,11, and 20: Lau et al. discloses a method for communicating between a check processing system and a check sorter (fig. 1 elements 40,41, and 12, col. 1 lines 7-11, and col. 3 lines 50-51), comprising:

accessing a MICR buffer for the check sorter, the MICR buffer comprising MICR data retrieved from a check (fig. 1 elements 12, 20, and 40, fig. 2 elements 52 and 60, fig. 4 element 66 &72, col. 3 lines 47-49, and col. 4 lines 52-56 & 58-63, where data obtained from a check by the check reader/sorter is stored in the transport database (#66) and this transport database is read as the "MICR buffer". The control program (#60), inside the memory (#52) of the transport processor (#40), accesses the transport database data and stores this data in an item control memory (#72) which is part of the control program inside the memory (#52). The MICR reader is read as the "check sorter");

generating process buffer data based on the MICR buffer (fig. 1 elements 12, 20, and 40, fig. 2 elements 52 and 60, fig. 4 element 66 &72, and col. 4 lines 52-56 & 58-63, where data obtained from a check by the check reader is stored in the transport database (#66) and this transport database is read as the "MICR

buffer". The control program (#60), inside the memory (#52) of the processor (#40), accesses the transport database data and stores this data in an item control memory (#72) which is part of the control program. The memory unit (#52) is read as the "process buffer". This process buffer, through the control program (#60), accesses the transport database "MICR buffer" (#66) and generates data which is stored inside the control program. This newly created data stored in the control program is read as the "process buffer data" and the process of taking the data from the transport database and putting it into the item control memory is seen as generating process buffer data), the process buffer standardized for a plurality of disparate types of check sorters (fig. 2 elements 52 and 56, col. 4 lines 53-57, and col. 6 lines 3-18 and 20-25, where the memory (#52, "process buffer") contains multiple application programs where each program is specific for a specific transport hardware configuration and/or MICR reader/sorter. The different application programs in the memory "process buffer" is read as the process buffer being standardized for a plurality of types of check sorters);

receiving a plurality of feature instructions for the check based on the process buffer data (col. 4 lines 51-57, where the transport processor processes the data obtained from the transport database and the appropriate application program chosen for the specific transport configuration. The application program(s) are read as the "feature instructions");

communicating the feature instructions to the check sorter for processing of the check (fig. 1 element 40 and col. 4 lines 51-57, where the transport processor processes the data obtained from the transport database and the appropriate application program is chosen and sent to the transport to process the check. These application programs are the instructions, for the specific transport configurations which contain the different hardware devices and/or the different MICR reader "check sorter", to process the check).

Regarding claims 31 and 41: They are rejected for the same reason as claims 1,11, and 20. As for the limitation of logic stored on a medium (Lau et al.; fig. 2 element 52, where the application programs are stored on a memory).

Regarding claims 2, 21, 32, and 42: The method of standardized process buffer data comprising a format compatible with a check sorter compatible with the check processing system (fig. 1 elements 12, 20, and 40, fig. 2 elements 52 and 60, fig. 4 element 66 &72, and col. 4 lines 52-56 & 58-63, where data obtained from a check by the check reader is stored in the transport database (#66) and this transport database is read as the "MICR buffer". The control program (#60), inside the memory (#52) of the processor (#40), accesses the transport database data and stores this data in an item control memory (#72) which is part of the control program. The memory unit (#52) is read as the "process buffer". This process buffer, through the control program (#60), accesses the transport database "MICR buffer" (#66) and generates data which is stored inside the control program. This newly created data stored in the control

program is read as the "process buffer data". This newly created data "process buffer data" is read as the a data that is compatible between the check reader/sorter and the check processing system).

Regarding claims 4, 13, 23, 34, and 44: The method of the feature instructions comprising an endorsement instruction operable to control endorsement of the check by the check sorter (fig. 1 elements 12 and 26, fig. 2 elements 56, and col. 4 lines 20-29, where the application program control the check transport which contains a check endorsement unit (#26)).

Regarding claims 8,17,27,38, and 48: The method of feaqture instructions comprising a black/white image, a gray scale image, and a color image (col. 6 lines 35-38).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 5-7, 9, 10, 12, 14-16, 18, 19, 22, 24-26, 28-30, 33, 35-37, 39, 40, 43, 45-47, 49, and 50-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lau et al. (U.S. patent 6,370,266) and Myers (U.S. patent 5,790,260).

Regarding claims 3,12,22,33, and 43: Lau et al. discloses to obtain MICR data from checks. Lau et al. does not teach to obtain certain information from the checks, such as account information, and perform specific processes on the checks. Myers teaches to obtain certain information, such as account information (Myers; 4 lines 33-35), from checks and perform certain processes on the checks. It would have been obvious for one skilled in the art to combine the teaching of Meyers to that of Lau et al. because they are analogous in check processing using MICR. One in the art would have motivated to incorporate the teachings of Myers to that of Lau et al. to have a system where information is gathered from the checks and digitized copies are sent to the customer, instead of the checks being returned, as well as stored in a memory and also leads to a faster research when there is a need to access the image and lower postage costs (Myers; col. 3 lines 9-23 and 32-36).

Regarding claims 5,14,24,35, and 45: Lau et al. discloses to obtain MICR data from checks. Lau et al. does not teach to obtain certain information from the checks and perform specific processes, such as imaging the check and putting it on a microfilm, on the checks. Myers teaches to obtain certain information from the checks and perform certain processes on the checks, such as imaging the check and putting it on a microfilm (Myers; col. 4 lines 28-30). It would have been obvious for one skilled in the art to combine the teaching of Meyers to that of Lau et al. because they are analogous in check processing using MICR. One in the art would have motivated to incorporate the teachings of Myers to that of Lau et

al. to have a system where information is gathered from the checks and digitized copies are sent to the customer, instead of the checks being returned, as well as stored in a memory and also leads to a faster research when there is a need to access the image and lower postage costs (Myers; col. 3 lines 9-23 and 32-36).

Regarding claims 6,15,25,36, and 46: Lau et al. discloses to obtain MICR data from checks and to take an image of checks (Lau et al.; fig. 1 element 22). Lau et al. does not teach to obtain certain information from the checks and perform specific processes, such as taking a digital image, on the checks. Myers teaches to obtain certain information from the checks and perform certain processes on the checks, such as taking a digital image of the check (Myers; col. 4 lines 32-39). It would have been obvious for one skilled in the art to combine the teaching of Meyers to that of Lau et al. because they are analogous in check processing using MICR. One in the art would have motivated to incorporate the teachings of Myers to that of Lau et al. to have a system where information is gathered from the checks and digitized copies are sent to the customer, instead of the checks being returned, as well as stored in a memory and also leads to a faster research when there is a need to access the image and lower postage costs (Myers; col. 3 lines 9-23 and 32-36).

Regarding claims 7,16,26,37, and 47: Lau et al. discloses to obtain MICR data from checks. Lau et al. does not teach to obtain certain information from the checks and perform specific processes, such as taking a digital image of the front and back of the checks, on the checks. Myers teaches to obtain certain

information from the checks and perform certain processes on the checks, such as taking a digital image of the front and back of the checks, the check (Myers; col. 4 lines 32-39). It would have been obvious for one skilled in the art to combine the teaching of Meyers to that of Lau et al. because they are analogous in check processing using MICR. One in the art would have motivated to incorporate the teachings of Myers to that of Lau et al. to have a system where information is gathered from the checks and digitized copies are sent to the customer, instead of the checks being returned, as well as stored in a memory and also leads to a faster research when there is a need to access the image and lower postage costs (Myers; col. 3 lines 9-23 and 32-36).

Regarding claims 9,18,28,39, and 49: Lau et al. discloses to obtain MICR data from checks. Neither Lau et al. nor Myers teach to obtain certain information from the checks and perform specific processes on the checks, such as sorting the checks into pockets. It is well known in the art to sort checks and place them in a specific location/pockets in order to store them for a certain time period or mail them back to the customers. Official Notice.

Regarding claims 10,19,30,40, and 50: It is rejected for the same reason as claim 1,11, and 20 above and for the non-compatible check sorter comprising an IBM 3890 or 3890/XP series check sorter.

Lau et al. discloses that different MICR readers/sorters may be used to process a check (Lau et al.; col. 6 lines 20-24) which are made compatible with the transport processor through the application programs. Lau et al. does not

teach to use an IBM3890/IBM 3890 series check sorter. Meyers teaches where many types of check readers/sorters may be used to process a check, including an IBM 3890 (Meyers; col. 6 lines 11-14). It would have been obvious for one skilled in the art to combine the teaching of Meyers to that of Lau et al. because they are analogous in check processing using MICR. It is a matter of configuration which type of check reader/sorter is best for each type of financial institution.

Regarding claim 51: A check sorter, comprising:

a MICR reader operable to read check information from a check processed by the sorter (Lau et al.; fig. 1 element 20 and col.3 lines 48-50, where the codeline reader, a MICR reader, reads information from the check);

a controller responsive to instructions based on the check information, the controller operable to control the digital imaging system to selectively image one or more of the front and back of the check (Lau et al.; fig. 1 elements 12 and 22 and fig. 2 elements 52, 56, and 60, where the control program "controller" sends a specific application program which are the instructions that control the check transport device that includes the imaging capture subsystem (#22)).

Lau et al. discloses a system to process check(s). One of the steps in the check process is to take an image of the check(s). Lau et al. does not teach to take a digital image of the front and the back of the check(s). Meyers teaches to take a digital image of the front and the back of the checks (Meyers; col. 5 lines 34-36). It would have been obvious for one skilled in the art to combine the

teaching of Meyers to that of Lau et al. because they are analogous in check processing using MICR. One in the art would have motivated to incorporate the teachings of Myers to that of Lau et al. to have a system where information is gathered from the checks and digitized copies are sent to the customer, instead of the checks being returned, as well as stored in a memory and also leads to a faster research when there is a need to access the image and lower postage costs (Myers; col. 3 lines 9-23 and 32-36).

Regarding claim 52: The check sorter wherein the controller further operable to control the digital imaging system to image the front of the check in b/w, gray scale, or color (Lau et al.; col. 6 lines 36-38).

Regarding claim 53: The check sorter wherein the controller further operable to control the digital imaging system to image the back of the check in b/w, gray scale, or color (Lau et al.; col. 6 lines 36-38)..

Regarding claim 54: A method for imaging a check during check sorting operations, comprising:

reading check information from the check (Lau et al.; fig. 1 element 20, where the codeline reader reads information from the check);

Lau et al. teaches to image a check during check processing. Lau et al. does teach to image the check from the front and/or the back. Meyers teaches to take images of the front and/or the back of the checks (Meyers; col. 5 lines 34-36). Neither one teaches to have these four different options (no image, a front image, a back image, and a front and back image) to image the check. It would

have been obvious to one skilled in the art to configure the check reader/sorter system to have all of these four imaging options. Some financial institutions endorse a check on only one side of the check, either the front or the back of the check, and some endorse or place important information on both sides of the check. Also, some customers refuse to do any Electronic banking over the internet because they do not want to transmit any important information over the internet, such as account number, SSN #, etc., or do not know how to use the internet and are not willing to learn. These types of customers prefer to receive paper copies of their processed checks instead of electronic images. Therefore, in order to save memory space, there is no need to make any digital images of the processed checks for storage for these customers that prefer paper copies. Therefore, one would have been motivated to have these four imaging options included in a check processing system.

Selectively image the check based on the imaging option (It is obvious that the image taken of the check is based on the option chosen).

Regarding claim 55: The method further comprising:

Determining an imaging type based on the check information, the imaging types comprising black and white, gray scale, and color (Lau et al.; col. 6 lines 26-40, where the type of image produced is based on the zone characteristics/data of the check).

Contact Information

7. Any inquiry into this communication should be directed to Anand Bhatnagar whose telephone number is 703-306-5914, whose supervisor is Amelia Au whose number is 703-308-6604, group receptionist is 703-305-4700, and group fax is 703-872-9314.

AB

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